

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Michael TESAR et al.

Title: ANTI-CD38 HUMAN ANTIBODIES AND USES THEREFOR

Appl. No.: 10/588,568

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Examiner: Anne Gussow

Art Unit: 1643

Conf. No.: 8662

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

Documents D3 and D4 were cited in an Office Action dated October 27, 2010, in corresponding Japanese Application No. 2006-551957. Documents D1 and D2 correspond to Document D3.

Applicants respectfully request that each listed document be considered by the Examiner and made of record in the present application, and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicants believe that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 8, 2011

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